

# AGENDA ITEM

**JULY 124**

Elimination of Late  
Registration Fee –  
Proposed Amendments to  
the Rules Regulating  
Admission to Practice Law  
in California

**DATE:** July 2, 2007

**TO:** Members of the Board of Governors  
Members of the Board Committee on Regulation, Admissions and  
Discipline Oversight

**FROM:** Committee of Bar Examiners  
Gayle Murphy, Senior Executive, Admissions

**SUBJECT:** **Proposed Amendments to the *Rules Regulating Admission To Practice Law In California* Re Elimination Of Late Registration Fee - Request For Adoption Following Public Comment**

## EXECUTIVE SUMMARY

Business and Professions Code Section 6060 (d) requires general applicants (law students) to register with the examining committee (Committee of Bar Examiners) within 90 days after beginning the study of law, if they intend to seek admission to practice law in California. The statute also permits later registration if good cause is shown. Section 2 (a), Rule V of the *Rules Regulating Admission to Practice Law in California (Rules)* repeats the language of the statute and sets out a provision for late registration, which allows late registration upon payment of a late fee. Over the years, many applicants have objected to the late fee provision saying they did not know they would be taking the California Bar Examination at the time they first started studying law and/or were unaware of the requirement. The original idea for early registration is unknown, but, practically, it was important to start an admission file for students intending to take the bar examination and become admitted to the practice of law in California. Once a file was set up, pre-legal education could be evaluated to ensure that the law student was eligible to begin the study of law, First-Year Law Students' Examination exemptions could be established, and Multistate Professional Responsibility Examination scores could be transferred easily. With new technology and better forms and procedures, however, the need to establish this type of file early in the process is no longer needed. The Committee considered the matter and determined that late registration can be managed without the imposition of a late fee, and adopted in principle the proposed amendment to Section 2(a), Rule V, *Rules*,

which eliminates the late fee. In conformance with the State Bar's public comment procedures, the proposed amendments were circulated for a 90-day public comment period. Only one comment was received. After review of the comment and consideration during its June 30, 2007 meeting, the Committee adopted the proposed amendments, subject to the approval to the Board of Governors.

## **SUBJECT/ISSUE**

Whether the proposed amendments to Section 2(a), Rule V of the *Rules Regulating Admission to Practice Law in California (Rules)* regarding elimination of the late registration fee as proposed by the Committee of Bar Examiners should be approved.

## **BACKGROUND/SUMMARY OF PROPOSAL**

Business and Professions Code Section 6060 (d) requires general applicants (law students) to register with the examining committee (Committee of Bar Examiners) within 90 days after beginning the study of law, if they intend to seek admission to practice law in California. The statute also permits later registration if good cause is shown. Section 2 (a), Rule V of the *Rules Regulating Admission to Practice Law in California (Rules)* repeats the language of the statute and sets out a provision for late registration, which allows late registration upon payment of a late fee.

Over the years, many applicants have objected to the late fee provision saying they did not know they would be taking the California Bar Examination at the time they first started studying law and/or were unaware of the requirement. The original idea for early registration is unknown, but, practically, it was important to start an admission file for students intending to take the bar examination and become admitted to the practice of law in California. Once a file was set up, pre-legal education could be evaluated to ensure that the law student was eligible to begin the study of law, First-Year Law Students' Examination exemptions could be established, and Multistate Professional Responsibility Examination scores could be transferred easily. With new technology and better forms and procedures, however, the need to establish this type of file early in the process is no longer needed.

The Committee considered the matter and determined that late registration can be managed without the imposition of a late fee, and adopted in principle the proposed amendments to Section 2(a), Rule V, *Rules*, which is attached as Attachment A, that will eliminate the late fee. After receiving approval to do so by the Board Committee on Regulation, Admissions and Discipline to do so, the proposed amendment was circulated for a 90-day public comment period. After review of the comment and consideration of the proposed amendment during its June 30, 2007 meeting, the

Committee adopted the proposed amendments, subject to approval by the Board of Governors.

## **REPORT OF PUBLIC COMMENT RECEIVED**

One comment was received and it is attached as Attachment B.

- Andrew Collier is opposed to eliminating the late registration fee, as he believes the fee structure should not be changed to accommodate students who do not investigate the regulations pertaining to admission to practice law in California. He further states that if there is good reason for not registering timely, the Committee has the authority to permit waivers.

While the comment is appreciated, it is not recommended that the proposed amendments be modified or withdrawn as a result of it.

## **EFFECTIVE DATE OF PROPOSAL**

The proposed amendments to the rule would become effective upon approval by the Board of Governors, which if approved, would be July 20, 2007.

## **FISCAL AND PERSONNEL IMPACT**

Revenue from late registration fees was \$164,347 in 2005, and is budgeted at \$198,750 for 2006. The majority of this revenue comes from applicants who attended out-of-state law schools. While there would be a negative impact on the total revenue collected during the year, the effect on the operations of the Office of Admissions is minimal.

## **BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT**

The *Rules Regulating Admission to Practice Law in California* is an appendix to the Administrative Manual would have to be updated.

## **PROPOSED BOARD COMMITTEE RESOLUTION**

If the Board Committee on Regulation, Admissions, and Discipline Oversight agrees with the Committee of Bar Examiners' recommendation to approve the proposed amendments, the following resolution would be appropriate:

**RESOLVED**, following publication for comment and consideration of comments received, and upon recommendation of the Committee of Bar Examiners, that the Board Committee on Regulation, Admissions and Discipline recommends that the Board of Governors of The State Bar of California approve the proposed amendments to Rule V, *Rules Regulating*

*Admission to Practice Law in California*, which will eliminate the late registration filing fee, in the form attached, to be effective July 20, 2007.

## **PROPOSED BOARD RESOLUTION**

Should the Board of Governors concur with the recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, adoption of the following resolution would be appropriate:

**RESOLVED**, following publication for comment and consideration of comments received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline, that the Board of Governors of The State Bar of California hereby approves the proposed amendments to Rule V, *Rules Regulating Admission to Practice Law in California*, which will eliminate the late registration filing fee, in the form attached to these minutes and made a part hereof, to be effective July 20, 2007.